

MCCOOK CITY COUNCIL  
September 6, 2016  
6:30 P.M.

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 6:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Calvin, Hepp, McDowell, Weedon.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, Library Director Crocker, Utilities Director Dutcher, Fire Chief Harpham, and Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 1, 2016, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Mayor and members of the City Council and a copy of the Acknowledgment of Receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Gonzales announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Gonzales called the meeting to order.

**1. Citizen's Comments.**

No one was present for citizen's comments.

**2. Announcements & Recognitions.**

There were no announcements or recognitions.

**3. Presentations.**

- A. Presentation by Barb Ostrum, Coordinator, for the Annual Coat Closet and McCook Toy Box and request that the fees for the use of the McCook Municipal Auditorium be waived for said events; and authorize the use of Community Betterment Funds to cover costs of the said rental fees.

Barb Ostrum, Coordinator, for the Annual Coat Closet and McCook Toy Box requested that the fees for the use of the McCook Municipal Auditorium be waived for said events or that the Council authorize the use of Community Betterment Funds to cover costs of the rental fees.

It was the consensus of the Council to have the use of Community Betterment Funds placed on the next regular agenda.

- B. Receive and file the Annual Cashflow Analyses for the Water and Sewer Enterprise Funds, as prepared by Public Financial Management, Inc.

A telephone conference call was held with Jenny Blankenship, CPA for Public Financial Management (PFM) for review of the cashflow analyses for the Water and Sewer Enterprise Funds. Some of the key points were the Debt Coverage Ratios, the Ending Cash Balance, Cash Balance as % of O & M, and Net Operating Income. No Water rate increase was recommended. A 3% rate increase for Sewer was proposed. Three scenarios were reviewed, a 1% increase, a \$1.00 increase to the Base Rates Only, and the 3% increase, as to their impact of future rate increases.

It was the consensus of the Council to proceed with the \$1.00 increase to the Base Rates only.

#### **4. Consent Agenda.**

- A. Approve the minutes of the August 29, 2016 special City Council meeting.

Upon a motion by Councilmember Weedin, seconded by Mayor Gonzales, the Council voted to approve the minutes of the August 29, 2016 special City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Approve the application for a Special Designated Liquor License submitted by Lighthouse Marina & Grill, Inc., Liquor License #IB-062875, for reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on November 12, 2016 from 4:00 P.M. to 12:00 A.M.

Upon a motion by Councilmember Weedin, seconded by Mayor Gonzales, the Council voted to approve the application for a Special Designated Liquor License submitted by Lighthouse Marina & Grill, Inc., Liquor License #IB-062875, for reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on November 12, 2016 from 4:00 P.M. to 12:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- C. Authorize Century Link to occupy city right of way for the installation of underground communication cable in three locations identified on the attached maps and authorize the Mayor to sign the Application to Occupy Right of Way.

Upon a motion by Councilmember Weedin, seconded by Mayor Gonzales, the Council voted to authorize Century Link to occupy city right of way for the installation of underground communication cable in three locations identified on the attached maps and authorize the Mayor to sign the Application to Occupy Right of Way. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- D. Approve the application for a Special Designated Liquor License submitted by Loop Brewery, Liquor License #IK-093351, for a reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on October 1, 2016, from 3:00 P.M. to 1:00 A.M.

Upon a motion by Councilmember Weedin, seconded by Mayor Gonzales, the Council voted to approve the application for a Special Designated Liquor License submitted by Loop Brewery, Liquor License #IK-093351, for a reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on October 1, 2016, from 3:00 P.M. to 1:00 A.M. The motion

passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- E. Approve the application for a Special Designated Liquor License submitted by Loop Brewery, Liquor License #IK-093351, for a dueling pianos to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on October 22, 2016 from 6:00 P.M. to 1:00 A.M.

Upon a motion by Councilmember Weedin, seconded by Mayor Gonzales, the Council voted to approve the application for a Special Designated Liquor License submitted by Loop Brewery, Liquor License #IK-093351, for a dueling pianos to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on October 22, 2016 from 6:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- F. Approve the application for a Special Designated Liquor License submitted by the McCook Economic Development Corporation for a retirement mixer to be held at W Design Associates, 214 East 1<sup>st</sup> Street, September 28, 2016 from 7:00 A.M. to 1:00 A.M.

Upon a motion by Councilmember Weedin, seconded by Mayor Gonzales, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Economic Development Corporation for a retirement mixer to be held at W Design Associates, 214 East 1<sup>st</sup> Street, September 28, 2016 from 7:00 A.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- G. Approve the McCook Public Schools request to allow their band and students to march utilizing city streets to attend the Homecoming Pep Rally that is scheduled to be held on Wednesday, September 14, 2016 in Norris Park.

Upon a motion by Councilmember Weedin, seconded by Mayor Gonzales, the Council voted to approve the McCook Public Schools request to allow their band and students to march utilizing city streets to attend the Homecoming Pep Rally that is scheduled to be held on Wednesday, September 14, 2016 in Norris Park. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

## **5. Regular Agenda.**

- A. Appoint a committee to review and select a property and casualty insurance carrier beginning in the 2016-2017 fiscal year.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to ratify the Mayor's appointments of Tom Buresh, Councilmember McDowell, and Councilmember Weedin to the committee to review and select a property and casualty insurance carrier beginning in the FY2016-2017; City Manager Schneider, Deputy City Clerk Schmidt, and City Clerk Doak will also serve on the committee. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Approve Ordinance No. 2016-2937 providing for the adoption of the budget for FY 2016/2017 upon its third and final reading.

Considered upon its third and final reading, Ordinance No. 2016-2937 entitled:

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

Ordinance No. 2016-2937 was read by title only and thereafter Councilmember Hepp moved for final passage of the Ordinance, which motion was seconded by Councilmember McDowell.

Council discussion included Jaycee Ballpark restrooms and Barnett Park pond restoration as possible future sales tax projects; diminishing sales tax dollars; the need to maintain the contingency fund and General Fund reserve; proposed increase in property tax levy; expressed concerns for those on a fixed income; possibly should have been making gradual increases over the years; do not want to have to borrow for routine operations; and expressed support of the proposed budget.

The Mayor then stated the question: "Shall Ordinance No. 2016-2937 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- C. Approve Ordinance No. 2016-2938 providing for the adoption of the 2016/2017 Fiscal Year Employee Classification Pay Plan upon its third and final reading.

Considered upon its third and final reading, Ordinance No. 2016-2938 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2016/2017 FISCAL YEAR EMPLOYEE CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THE CLASSIFICATION AND PAY PLAN; REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2016-2938 was read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which motion was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2016-2938 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- D. Approve Ordinance No. 2016-2939 providing for the amendment of Appendix F, Solid Waste Collection Fees, of the City of McCook Code of Ordinances upon its second reading.

Considered upon its second reading, Ordinance No. 2016-2939 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE COLLECTION FEES, OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR SOLID WASTE COLLECTION AND DISPOSAL; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2014-2909 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE

OF THIS ORDINANCE.

now comes up on its second reading.

Ordinance No. 2016-2939 was read by title only. Motion was made by Councilmember Weedin, seconded by Councilmember McDowell, to approve Ordinance No. 2016-2939 on its second reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2016-2939 approved on its second reading.

- E. Introduce and approve, under suspension of the rule, Ordinance No. 2016-2940 setting the salary and compensation of City Manager Nathan A. Schneider.

Mayor Gonzales introduced Ordinance No. 2016-2940 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA SETTING THE SALARY AND COMPENSATION OF THE CITY MANAGER OF THE CITY OF MCCOOK; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2016-2940 was introduced and read by title only. Mayor Gonzales moved that the statutory rule requiring reading on three different days be suspended. Councilmember Calvin seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Mayor Gonzales moved for final passage of the Ordinance, which was seconded by Councilmember Calvin. The Mayor then stated the question: "Shall Ordinance No. 2016-2940 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion carried. The passage and adoption of said Ordinance, having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- F. An Executive Session may be held for the protection of the public interest for a strategy session with respect to litigation that is imminent regarding the special assessment on property located at 810 West 4<sup>th</sup> Street.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin the Council voted to move into executive session for the protection of the public interest for a strategy session with respect to litigation that is imminent regarding the special assessment on property located at 810 West 4<sup>th</sup> Street at 8:04 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

The Mayor then stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of protection of the public interest for a strategy session with respect to litigation that is imminent regarding the special assessment on property located at 810 West 4<sup>th</sup> Street. The Council will reconvene in public session following this closed session.

Upon a motion by Councilmember McDowell, seconded by Councilmember Calvin, the Council voted to move out of executive session at 8:20 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

G. Council Comments.

There were no Council comments.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:20 P.M.

---

Michael D. Gonzales, Mayor

ATTEST:

---

Lea Ann Doak, City Clerk-Treasurer